

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION

JOHN RUSSELL PENN §  
v. § CIVIL ACTION NO. 5:05cv202  
PAUL KASTNER, ET AL. §

MEMORANDUM ADOPTING REPORT AND RECOMMENDATIONS  
OF THE UNITED STATES MAGISTRATE JUDGE  
ON PLAINTIFF'S MOTION FOR INJUNCTIVE RELIEF

The Plaintiff John Russell Penn filed this lawsuit complaining of alleged deprivations of his constitutional rights. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Penn has filed a motion for injunctive relief, asking for a court order preventing prison officials from tampering with his mail. On August 8, 2006, the Magistrate Judge issued a Report recommending that the motion be denied. Penn received a copy of this Report on August 10, 2006, but filed no objections thereto; accordingly, he is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415 (5th Cir. 1996) (*en banc*).

The Court has carefully reviewed the motion for injunctive relief as well as the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge is ADOPTED as the opinion of the District Court. It is further

ORDERED that the Plaintiff's motion for injunctive relief (docket no. 3) is hereby DENIED.

**SIGNED this 31st day of August, 2006.**



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DAVID FOLSOM  
UNITED STATES DISTRICT JUDGE